

Message

From: Casso, Ruben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E33DF0ABBBF049959E9100E556C7E634-CASSO, RUBEN]
Sent: 12/22/2020 9:45:40 PM
To: Witt, Jon [Witt.Jon@epa.gov]
Subject: RE: Sterigenics Sued Over Ethylene Oxide Releases in New Mexico
Attachments: Sterigenics NM.pdf

Here is the state air permit.

From: Witt, Jon <Witt.Jon@epa.gov>
Sent: Tuesday, December 22, 2020 3:26 PM
To: Casso, Ruben <Casso.Ruben@epa.gov>
Subject: RE: Sterigenics Sued Over Ethylene Oxide Releases in New Mexico

Sounds good. I'm curious if there is some sort of publicly available docket for their presuit investigation. In particular, I'm curious if they provide any EtO measurements for indoor air (per paragraph 19a), as well as the initial permit application (per paragraphs 146 and 147).

Jonathan

From: Casso, Ruben <Casso.Ruben@epa.gov>
Sent: Tuesday, December 22, 2020 4:19 PM
To: Witt, Jon <Witt.Jon@epa.gov>
Subject: RE: Sterigenics Sued Over Ethylene Oxide Releases in New Mexico

You're welcome Jon. I'm working tomorrow and Mon thru Wed next week if you need anything on this.

From: Witt, Jon <Witt.Jon@epa.gov>
Sent: Tuesday, December 22, 2020 3:18 PM
To: Casso, Ruben <Casso.Ruben@epa.gov>
Subject: RE: Sterigenics Sued Over Ethylene Oxide Releases in New Mexico

Thanks Ruben

From: Casso, Ruben <Casso.Ruben@epa.gov>
Sent: Tuesday, December 22, 2020 3:56 PM
To: Witt, Jon <Witt.Jon@epa.gov>
Subject: FW: Sterigenics Sued Over Ethylene Oxide Releases in New Mexico

From: Casso, Ruben
Sent: Tuesday, December 22, 2020 2:48 PM
To: Davis, Alison <Davis.Alison@epa.gov>; Robinson, Jeffrey <Robinson.Jeffrey@epa.gov>; Verhalen, Frances <verhalen.frances@epa.gov>
Subject: Sterigenics Sued Over Ethylene Oxide Releases in New Mexico

<https://news.bloomberglaw.com/environment-and-energy/sterigenics-sued-over-ethylene-oxide-releases-in-new-mexico>

Sterigenics Sued Over Ethylene Oxide Releases in New Mexico

Dec. 22, 2020, 2:39 PM

- **COURT:** N.M. Dist. Ct.
- **TRACK DOCKET:** No. D-307-CV-2020-02629

Sotera Health Co. and related companies are illegally releasing excess amounts of ethylene oxide from a plant in New Mexico that puts nearby residents at risk, the state says in a lawsuit filed Tuesday.

Ethylene oxide is a toxic gas used to sterilize medical equipment. The gas is known to cause cancer, including lymphoma, leukemia, and breast cancer.

Ethylene oxide released by Sotera Health from its plant in Santa Teresa, N.M., has significantly deteriorated air quality in the surrounding communities, and has contributed to increased health risks, according to the complaint filed in the New Mexico Third Judicial District Court.

Sterigenics U.S. LLC operates the plant, which is currently owned by Sotera Holdings. Sotera Health Co. is the parent company of the other defendants.

The companies reported releasing ethylene oxide from its plant through controlled sources, such as sterilizer vacuum pumps and acid-water scrubbers. But they have also caused uncontrolled releases due to the lax oversight of sterilization operations, the lawsuit says.

A 2014 National Air Toxics Assessment released by the Environmental Protection Agency found residents in the area likely suffering the most exposure to the gas have a cancer risk in excess of the national average, according to the complaint.

Sterigenics is facing another lawsuit over the gas filed by a group representing warehouse workers in Georgia. The company announced in 2019 it would permanently close its Willowbrook, Ill., plant following a dispute with residents and state lawmakers over ethylene oxide emissions.

Causes of Action: Public nuisance, strict liability; negligence; New Mexico Unfair Practices Act.

Relief: Declaratory and injunctive relief; punitive damages; civil penalties; attorneys' fees and costs.

Response: Sotera Health hasn't immediately responded to a request for comment.

Attorneys: The New Mexico Attorney General's Office represents the state.

The case is New Mexico v. Sterigenics U.S. LLC, N.M. Dist. Ct., No. D-307-CV-2020-02629, 12/22/20.

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